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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,077	09/19/2000	Michael Climo	7732-020-27 DIV	5645
7590	09/10/2002			
Steven B Kelber PIPER MARBURY RUDNICK & WOLFE LLP 1200 19th Street N W Washington, DC 20036-2412			EXAMINER BORIN, MICHAEL L	
			ART UNIT 1631	PAPER NUMBER LO
			DATE MAILED: 09/10/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/665077			

EXAMINER	
Michael Borin	
ART UNIT	PAPER NUMBER
1631	10

J DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

After the receipt of the Office action mailed 7/24/02 attorney Patrick Delaney contacted the Examiner and presented arguments that claims 24-28 have been improperly moved to Group I and withdrawn from consideration. As the argument seemed convincing, Examiner promised to review the case and to issue a supplemental Office action if needed. However, upon review of the restriction requirement and of the reasons presented to the traverse of the restriction requirement, the restriction and the following merge of claims 24-28 into Group I were deemed proper for the reasons of record and in view of the following additional considerations:

Claim 18, and claims dependent thereon, is drawn to suppression of strains resistant to lysostaphin. On the contrary, claim 24, and claims dependent thereon, are drawn to suppression of strains resistant to antibiotic. The only occurrence of "antibiotic" in claim 24 is when the claim mentions "cell-wall active antibiotic". The latter is not lysostaphin (which belongs to the genus defined as "anti-staphylococcal agent"), but a genus represented by penicillin, cephalosporin, etc. See claims 19-22. Therefore claims 24-28 seem to be drawn to a method of suppressing strains different from those addressed in claim 18. Claim 23, on the other hand, is similar to claim 24. Therefore, the examiner maintains that claims 24-28 should be merged with the claims 3-11,23 of Group I.

Due to the fact that the examiner took time to review the case and delayed the response to the applicant, the time to respond to the outstanding Office action is hereby re-started.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (703) 305-4506. Dr. Borin can normally be reached between the hours of 8:30 A.M. to

5:00 P.M. EST Monday to Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Woodward, can be reached on (703) 308-4028. The fax telephone number for this group is (703) 305-3014.

Any inquiry of a general nature or relating the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

September 6, 2002
mlb

MICHAEL BORIN, PH.D
PRIMARY EXAMINER

